

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CRIM. NO. 97-091 (JAF)
)	
JEANNETTE SOTOMAYOR,)	
)	
Defendant.)	
_____)	

**MOTION INFORMING REDUCTION IN SOCIAL SECURITY BENEFITS
AND REQUESTING ORDER**

TO THE HONORABLE COURT:

COMES NOW the defendant, *JEANNETTE SOTOMAYOR-VAZQUEZ*, through the undersigned attorneys, and most respectfully states and prays as follows:

1. The appearing party has sought the Court's protection twice before regarding the calculation of the payment plan that the Court approved for the satisfaction of the fine and restitution Orders that the Court imposed as part of the defendant's sentence back in November of 1999.
2. The specific circumstances underlying this matter have been detailed in two prior motions (one filed in April 2007 and the second in April 2008) and we will not restate here. Suffice it to say that the Court has approved the defendant's calculations and ordered the debtor balance statements to be corrected accordingly. Despite the Court's Orders, the government has not recognized the payment plan, and the balance owed has never been corrected and continues to increase exponentially.

3. In our last motion we made an urgent request to the Court because the defendant had received a Notice from the U.S. Treasury Department advising her that her social security payments would be reduced by 15% because of the unpaid debt that she owes to the U.S. Attorney's Office in Puerto Rico. Of course, Mrs. Sotomayor does not have an unpaid debt with the U.S. Attorney's Office of Puerto Rico, as for years she has never missed a payment under the Court approved payment plan.
4. In its Order regarding our last motion, entered on April 29, 2008, the Court stated that it would not allow the defendant's social security benefits to be affected, and Ordered once again that the debtor statement should be corrected accordingly.
5. The undersigned counsel instructed Mrs. Sotomayor to mail a copy of the Court's Order to the Treasury Department, which is the agency which notified her of the possibility of losing part of her social security benefits. The documentation attached shows that Mrs. Sotomayor did so, and that an official named Debra Hill received it on June 6, 2008. The U.S. Attorney's Office, of course, received notice of the Court's Order through the CM/ECF System.
6. The attached documentation also shows that, despite the above, Mrs. Sotomayor's next social security payment was in fact reduced by 15% (\$158.40) on account of "the debt owed to the U.S. Attorney's Office in Puerto Rico." It also shows that the balance has continued to increase exponentially. Nevertheless, Mrs. Sotomayor will make her next \$250.00

payment on July 1, 2008, because it is her obligation under the Court approved payment plan.

7. In the Court's April 29, 2008, Order, the Court also indicated that it would entertain a future motion to terminate restitution if counsel believed there was support for it. The support we find to request the termination of restitution is that the defense has been trying for over a year to have this problem corrected through the proper legal channels, all to no avail. We have corresponded with the U.S. Attorney's Office on this issue, we have sought the Court's protection twice, the Court has issued Orders to correct the problem, and nothing seems to work. We are simply powerless to move the government bureaucracy on an issue in which we are right, which is not complicated, and in which we have exhausted all possibilities. \$158.40 a month may not seemed like much, but it is a lot to Mrs. Sotomayor, particularly since this is the money she counted to finance her later years and the cost of living has increased dramatically in Puerto Rico. Unless the Court can think of another option, which we can't, we respectfully request that the Court enter an Order terminating the balance of the fine and restitution payments that Mrs. Sotomayor was obligated to make and has been dutifully making for years.

WHEREFORE, the appearing party requests that the Court grant the above request.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY that on this date I electronically filed the foregoing motion with the Clerk of the U.S. District Court using the CM/ECF system which will send notification of such filing to all parties of record.

At San Juan, Puerto Rico, on this the 30th day of June of 2008.

**LAW OFFICES OF
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